UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/1991/SR.9
8 October 1991

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

First session

SUMMARY RECORD OF THE 9th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 October 1991, at 10 a.m.

Chairman: Mrs. BADRAN

CONTENTS

Organization of work

Adoption of the rules of procedure (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.91-17701/1832H

The meeting was called to order at 10.25 a.m.

ORGANIZATION OF WORK

The CHAIRMAN recalled that the Committee had already adopted rule 27 of the rules of procedure, which provided that its working languages would be identical to its official languages. The secretariat was investigating the financial implications of that rule and of rule 31 on the languages of the Committee's documentation. She therefore suggested that the Committee should consider those two rules at the end of its session, when it would have an opportunity to review the entire body of rules of procedure it had adopted.

It was so decided.

The CHAIRMAN announced that the secretariat had prepared a draft programme of work for the remainder of the Committee's first session. That programme would be:

Friday, 4 October: Completion of initial consideration of the rules of procedure (agenda item 4)

Monday, 7 October, and Tuesday, 8 October: Consideration of the Committee's guidelines for reports to be submitted by States parties (agenda item 7)

Wednesday, 9 October: General discussion of the provisions of the Convention

Thursday, 10 October: Cooperation with specialized agencies, the United Nations Children's Fund and other United Nations organs (agenda item 8)

Friday, 11 October: Cooperation with other competent bodies (agenda item 9)

Monday, 14 October: Future meetings of the Committee and other matters (agenda items 10 and 11)

Tuesday, 15 October, and Wednesday, 16 October: Final consideration and adoption of the rules of procedure (agenda item 4)

Thursday, 17 October, and Friday, 18 October: Any other business.

Mr. KOLOSOV noted that the question of the adoption of a report was signficantly absent from the programme of work: was there to be no report on the work of the current session?

Mrs. KLEIN (Centre for Human Rights) said the Committee would normally submit a report to the General Assembly every two years, but, if it wished, it could transmit a preliminary report or make recommendations to the General Assembly at the end of its current session.

Mrs. SANTOS PAIS thanked Mr. Kolosov for raising an important point. She believed that it would be useful for the Committee to communicate to the

General Assembly, which would soon begin discussing human rights matters, a number of basic concerns and, in particular, its desire to hold two sessions, not one, every year.

Mr. HAMMARBERG said that he also welcomed the comments made by Mr. Kolosov. It was important for the Committee to indicate to the General Assembly that it had started its work and had already encountered specific problems. For example, it had reached the conclusion that it could not cope with its tasks unless it was authorized to hold two sessions a year. It might also be useful to consider requesting the General Assembly to have a study carried out on some subject of concern to the Committee which could then be made available at its next session.

Mr. KOLOSOV proposed that, in view of the comments by the other members, the Committee should adopt a report on the work of its first session. The report should cover such items as the election of the Chairman and the Bureau, the adoption of the rules of procedure, the work on the guidelines for reports and the Committee's ideas on cooperation with other bodies and on the timing for future meetings.

Mrs. BELEMBAOGO said that she endorsed that proposal and suggested that a group of volunteers, of which she would be one, should assist the Rapporteur in preparing the report.

Mrs. EUFEMIO said that she, too, endorsed the proposal for preparation of a report, which might serve the additional purpose of communicating to States parties the guidelines the Committee would adopt. That was important because the first group of States parties would be submitting their reports in September 1992.

Mrs. KLEIN (Centre for Human Rights) pointed out that the secretariat would transmit the guidelines, together with a note verbale from the Secretary-General, to all States parties whose reports were due in 1992 as soon as those guidelines were adopted. States parties would therefore not be dependent solely on the report for the guidelines.

Mr. HAMMARBERG said that, to avoid duplication of efforts, the Rapporteur should meet with secretariat staff to coordinate work on the report.

Mrs. KLEIN (Centre for Human Rights) said the secretariat was always ready to assist the Committee and its Rapporteur and would be glad to take part in the work on the draft report.

If the Committee wished to ensure timely submission of its report to the General Assembly, it should keep it as brief as possible, to facilitate translation and reproduction.

Mr. KOLOSOV said that the Committee's programme of work should be revised to include a day for the discussion and adoption of the draft report.

Mrs. KLEIN (Centre for Human Rights) explained that the secretariat, in accordance with its usual practice, would make copies of the draft report

available on Wednesday, 16 October, with a view to discussion on Thursday, 17 October. It might be possible to adopt the report on that date, but, if not, Friday, 18 October, could be scheduled for that purpose.

Mgr. BAMBAREN GASTELUMENDI suggested that the discussion of agenda item 10 on the Committee's future meetings should be held during the second, not the third, week of the session.

Mrs. KLEIN (Centre for Human Rights) said that no decision could be taken on that item until the secretariat had contacted the Conference Services Division to determine the dates on which that Division could accommodate meetings of the Committee.

Replying to a comment by Mr. HAMMARBERG, she said the secretariat could immediately start looking into the availability of meetings servicing facilities, but any scheduling would be contingent on approval by the General Assembly of the proposal that the Committee should hold two sessions every year.

Mr. KOLOSOV asked whether it would not be possible to schedule the discussion of agenda item 10 for Friday, 11 October, rather than for Monday, 14 October.

The CHAIRMAN said that, if there was no objection, she would take it that the Committee agreed to change the date on which it was to discuss agenda items 9 and 10 to Friday, 11 October 1991.

It was so decided.

Mr. HAMMARBERG said that, during the Committee's general discussion of the provisions of the Convention, scheduled for Wednesday, 9 October, it might be useful to focus on the idea of requesting a study from the General Assembly in an area of particular concern to the Committee.

The CHAIRMAN said that, if she heard no objection, she would take it that the programme of work, as amended, was adopted.

It was so decided.

Mrs. SANTOS PAIS recalled that, at its informal meeting in May 1991, the Committee had discussed two documents concerning contacts between the Centre for Human Rights and the agencies and organs of the United Nations system in January 1991 and between the Centre and non-governmental organizations in May 1991. She requested that those documents should be made available at the current session, as official Committee documents, if possible.

The CHAIRMAN said that the secretariat would be asked to take the necessary measures.

Mgr. BAMBAREN GASTELUMENDI said that it was not clear whether the Committee would be able to hold two sessions in 1992.

Mr. HAMMARBERG said that the question of dates would depend on an indication from the General Assembly that, in principle, two sessions could be held. He was nevertheless certain that, in view of the great interest shown in the Committee's work, it would be possible to make preliminary plans for the holding of two sessions in 1992.

ADOPTION OF THE RULES OF PROCEDURE (agenda item 4) (CRC/C/L.1) (continued)

Mgr. BAMBAREN GASTELUMENDI recalled that, at the informal meeting held in May 1991, it had been recommended that, as a new body, the Committee should not adopt the rules of procedure on a definitive basis at its first session and should retain the word "provisional" in the title of the rules of procedure. He proposed that the rules of procedure should continue to be regarded as provisional for the time being.

Mrs. KLEIN (Centre for Human Rights), referring to the proposal by Mgr. Bambaren Gastelumendi, said that, if the Committee decided to retain the word "provisional", that would give it more flexibility in the conduct of its discussions.

The CHAIRMAN said that, if she heard no objection, she would take it that the Committee decided to retain the word "provisional" in the title of the rules of procedure.

It was so decided.

Rule 33 (continued)

The CHAIRMAN drew attention to the proposal that rule 33 should be retained as it stood.

Mrs. SANTOS PAIS said that, in the second line of rule 33, the word "body" should be replaced by the word "bodies". She also thought that the last part of rule 33 was already covered by the first part and that the sentence could end with the words "general public".

The CHAIRMAN said that, if she heard no objection, she would take it that the Committee decided to adopt rule 33, as amended.

It was so decided.

Rule 33, as amended, was adopted.

Section XIV (continued)

The CHAIRMAN drew attention to the proposal that the heading of section XIV should be amended to read: "REPORTS OF THE COMMITTEE".

Mr. KOLOSOV suggested that the side heading "Biennial report" should be amended to read "Biennial reports".

Mrs. SANTOS PAIS proposed that the side heading should be amended to read "Biennial reports to the General Assembly" because, in rule 64, the Committee was considering only reports to the General Assembly.

The CHAIRMAN said that, if she heard no objection, she would take it that the Committee decided to adopt the new heading of section XIV and the side heading, as amended.

It was so decided.

Rules 64 and 64 bis (continued)

The CHAIRMAN said that it had been proposed that rule 64 should be retained as it stood.

Mr. HAMMARBERG said that, as a result of the informal consultations which had been held, he proposed the following new text of rule 64 bis: "The Committee or its subsidiary bodies may issue other reports on its activities for general distribution. The Committee may also issue reports in order to highlight specific problems in the field of the rights of the child".

In reply to a question by Mrs. EUFEMIO, he said that the second sentence meant that reports would be issued for general distribution highlighting specific problems in the field of the rights of the child.

Mrs. SANTOS PAIS, supported by Mr. MOMBESHORA, proposed that the words "for general distribution" should be added after the word "reports" in the second sentence.

It was so decided.

Mr. KOLOSOV said that rule 64 should provide for the possibility that the Committee could submit interim reports to the General Assembly if urgent matters arose.

Mr. HAMMARBERG explained that the purpose of rule 64 bis was to enable the Committee to prepare reports other than the biennial ones referred to in the Convention without being overly rigid. Thus, the Committee might issue one report after each session and one interim report annually, in addition to its report to the General Assembly every two years. That might sound a bit overwhelming, but in fact each report would build on the previous one. The Committee would also have the possibility of issuing reports on specific problems. In his view, rule 64 bis met Mr. Kolosov's concern without binding the Committee.

Mr. KOLOSOV said that he had no objection to rule 64 bis, but that the Committee's reports to the General Assembly had a special status. If rule 64 did not include words to the effect that the Committee "may decide to submit interim reports to the General Assembly", a formula which would not bind it, then the Assembly would have no grounds for including consideration of the interim report in its agenda.

Mrs. SANTOS PAIS said she agreed that there was a need for interim reports; the 64 bis approach provided for that possibility. However, she wondered whether the General Assembly would feel bound by a decision of the Committee to submit reports not specifically mentioned in the Convention. She also noted that the submission of reports to the General Assembly through the Economic and Social Council was a very restrictive process.

Mrs. EUFEMIO said that the need for interim reports to be submitted to the General Assembly through the Economic and Social Council should be clearly established in the rules of procedure.

Mr. HAMMARBERG noted that the reason for biennial reports was to limit paperwork and reduce the workload of the representatives to the General Assembly. There was a recent trend in the General Assembly towards the biennial consideration of agenda items. However, that did not mean that the Committee could not submit extra communications if it so wished. It might be preferable for the Committee not to bind itself at the current stage, but to adopt rule 64 bis and perhaps reconsider it at the following session in the light of its experience with the Third Committee.

Mr. KOLOSOV pointed out that rule 64 referred to the Committee's official reports to the General Assembly, and, together with the Convention, bound the Economic and Social Council and the General Assembly. That was why he had suggested that wording providing for interim reports should be added to rule 64.

The CHAIRMAN said the members appeared to agree that the Committee was entitled to submit reports in addition to those formally requested in the Convention. If rule 64 was amended to include the possibility of interim reports, she was not sure whether the General Assembly would be bound to consider them.

Mrs. KLEIN (Centre for Human Rights) said the Committee was free to change its rules of procedure to provide for the possibility of interim reports. However, if the trend in the General Assembly was towards the biennial consideration of agenda items, such a change might not have the desired effect. In any event, there would always be a way for the Committee to make itself heard by the General Assembly on urgent matters. It might therefore wish to adopt rule 64 as it stood, perhaps changing it later on as a result of its experience with the General Assembly.

The CHAIRMAN reminded the members that they would have the possibility of considering the rules of procedure on second reading. If she heard no objection, she would take it that the Committee adopted rule 64 as it stood.

It was so decided.

Rule 64 was adopted.

The CHAIRMAN said that, if she heard no objection, she would take it that the Committee adopted rule 64 bis, as amended.

It was so decided.

Rule 64 bis, as amended, was adopted.

Proposed new rules

Mr. HAMMARBERG proposed that the following new rule should be included under a new section XV bis, to be headed "General discussion": "In order to enhance a deeper understanding of the content and implications of the Convention, the Committee will devote one day of its regular sessions to a general discussion on one specific article or subject on the Convention".

Mr. KOLOSOV suggested that the text might be included in section II as the second paragraph of rule 6.

Mr. HAMMARBERG said that inclusion of the proposed text in rule 6 would mean that other provisions relating to the content of the agenda should also be included in the same rule. He would therefore prefer the text to be placed where he had originally suggested.

Mrs. SANTOS PAIS said that rule 6 as it stood was general, not specific. She suggested that a final decision on where to place the new text might be taken at a later stage.

Miss MASON said that she supported Mr. Kolosov's suggestion that the text should be included in section II, but thought that it should be a separate rule.

The CHAIRMAN said that, if she heard no objection, she would take it that the members of the Committee decided that the text should be included in a new section XV bis pending a final decision on its position.

It was so decided.

Mr. HAMMARBERG proposed that the following new rule should be added to section II: "Concerned that reports submitted by States parties pursuant to article 44 should be considered by the Committee in the most timely manner possible, the Committee will endeavour to include in its agenda for each session all reports received by the Secretariat sufficiently in advance of the session to allow for the necessary processing of the reports and the adequate notification of the States parties concerned".

The purpose of such a rule was to establish a principle and to ensure practical measures by which to uphold that principle. The intention was to avoid a backlog in the consideration of reports submitted by States parties, since a failure to consider reports in a timely manner would undermine the Committee's credibility. By including in the agenda all reports received, for

example, two months prior to the beginning of the session, the Committee could be aware of any possibility of a backlog and take the appropriate steps, such as a special session or other emergency measure.

Mrs. SANTOS PAIS said she agreed that ways of dealing with such a situation could either be provided for in the form of a new rule or included as one of the methods of work of the Committee. She asked whether a list of all reports submitted could be made available prior to each session.

Mrs. KLEIN (Centre for Human Rights) said that the secretariat could provide a list of the reports received and the stage reached in their processing. It would, however, be difficult to determine accurately and in advance how long processing would take, as it would depend on the length of reports and the workload of the translation services. It should also be borne in mind that States parties had to be notified some months in advance that their reports were to be considered at the next session.

Mr. KOLOSOV pointed out that, as 97 States had ratified the Convention, the Committee could expect to receive a large number of reports in the next two or three years, even if not all States parties complied with their reporting obligations immediately. Estimating an average of two days' discussion for each report, the consideration of 100 reports would take 200 working days or 40 working weeks. If sessions lasted four weeks each year, the 100th report would be considered at the earliest in some 10 years' time.

Mr. HAMMARBERG said that, of the three possible stages at which delays in the Committee's work might occur - the submission of reporrts by States parties, the processing of reports and their consideration by the Committee - the third was crucial. The principle should therefore be clearly established that reports should not be deferred repeatedly because of the lack of time available to the Committee.

The CHAIRMAN said that the matter would require further discussion.

The meeting rose at 1.10 p.m.